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TAGS: MO PGOV PHUM PREL PBTS
SUBJECT: ICRC BRIEFS ON LATEST HUMANITARIAN ACTIVITIES IN
WESTERN SAHARA AND MOROCCO

REF: A. RABAT 2227

¶B. RABAT 1229

Classified By: POL/C Timothy Lenderking for Reasons 1.4. (b) and (d)

¶11. (C) Summary: ICRC Regional Delegate Bernard Pfefferle met with Poloffs October 27 to review humanitarian issues concerning the Western Sahara and to update us on ICRC activities in Morocco. Pfefferle said the ICRC was somewhat put off by Moroccan insistence, conveyed in a meeting between MFA SecGen Hillali and ICRC President Kellenberger a few weeks ago, that the ICRC publicly absolve Morocco of any outstanding human rights cases concerning the Western Sahara. Pfefferle said the ICRC continues to believe both sides have more information to impart concerning missing people and/or their remains. Pfefferle said debriefings with the POWs released in August had been useful and allowed ICRC to close several cases. Pfefferle noted he had met with Equity and Reconciliation President Driss Benzekri and MOJ SecGen Lididi earlier in the week concerning the possibility of establishing a formal agreement with the GOM to conduct regular prison visits in Morocco, as the ICRC does now in Tunisia; both officials thought the time was right and encouraged ICRC to draft an agreement. To better follow its activities in Morocco and the Western Sahara, the ICRC will send a staffer on long-term TDY to Rabat. Pfefferle thanked the US again for facilitating the release of the remaining POWs in August. End Summary.

The Moroccans are "Stressed"

¶12. (C) Polcouns and Poloff met October 27 with Tunis-based ICRC Regional Delegate Bernard Pfefferle, in country on a periodic visit, to review ICRC's latest activities in Morocco and to share with Pfefferle a read-out of our meetings with human rights activists in Laayoune earlier in the week (septel). Pfefferle explained that he had met with the MFA Director of UN and International Affairs Madame Alaoui earlier in the week and found the Moroccans "stressed and tense" concerning the Western Sahara human rights dossier. This agitation was also reflected, Pfefferle said, in a meeting three-four weeks ago between MFA SecGen Omar Hillali and ICRC President Jacob Kellenberger. In that meeting, Hillali pressed the ICRC to give Morocco a clean bill of health on past Western Sahara rights issues, and to say so publicly. Pfefferle said the ICRC found the demarche unusual and inappropriate and responded to Hillali that as many cases

were not closed, the ICRC could not take such action.

¶13. (C) Pfefferle said the question of "closing files" was a difficult one in general. Was a file closed when the relatives of the disappeared were satisfied no information was being withheld? Was a case closed when the ICRC felt both sides had provided as much information as they had, or as much as they were going to give? Pfefferle said new information concerning past abuses in the Western Sahara continued to turn up: investigations by the Moroccan Truth and Reconciliation Commission (IER, see ref A) had lead to the discovery of gravesites and photos from the battlefield. The IER had no mandate to share this information with the ICRC, however, or to meet with representatives of the Polisario, which Pfefferle thought could be useful. Debriefings with the 404 POWs released in August had also yielded information that allowed ICRC to close a number of outstanding cases.

¶14. (C) Referring to seven well-documented cases of missing civilians which the ICRC had gleaned from interviews in Rabouni camp (ref B), Pfefferle said the Moroccan MFA had some information to impart which he hoped to obtain later in the week.

¶15. (SBU) Pfefferle handed to Poloffs an information sheet updating the current figures of missing from both sides, noting that he anticipated the information would be made public later in the week (document transmitted in its entirety in para 11).

¶16. (C) Polcouns noted that pro-Polisario human rights advocates had stacks of cases which they alleged represented missing persons about whom the GOM had still not provided any information. Poloffs had seen the well-kept documents,

representing some 115 individuals seized between 1975 and 1993, during a visit to Laayoune earlier that week. The Sahrawi activists had said that the information had been provided to the ICRC, and they were eager for any information the ICRC could provide. Pfefferle said he was aware of the cases and believed the ICRC's numbers included those 115 or so individuals.

Human Rights Education Project

¶17. (C) Polcouns asked how ICRC's project with the Ministry of Education to introduce principles of international humanitarian law into school curricula was going (Ref B). Pfefferle said it was not going well; there was turn-over in some of the key positions in the GOM, and the project was in limbo. Getting this project back on track would be one of the priorities of the ICRC employee who would be temporarily assigned to Rabat in the coming weeks.

Prison Access

¶18. (C) Pfefferle was pleased that both Benzekri and MOJ SecGen Mohamed Lididi had been encouraging about pursuing a formal agreement with the GOM for the ICRC to gain regular access to Moroccan prisons, as ICRC had succeeded in doing in Tunisia. Benzekri had indicated to Pfefferle that the decision would have to be made by King Mohammed himself, but the timing was good. Lididi told Pfefferle that Morocco "had nothing to hide." (Note: the lack of a formal prison visitation agreement with the GOM prevents the ICRC from conducting ad hoc visits, such as we explored with Pfefferle

¶19. (C) Polcouns endorsed the idea, noting that Moroccan prison administration and behavior by the security services was now regularly in the spotlight because of the Sahrawi hunger strikes, which resumed on October 20. It was important for the Moroccans to get in front of this issue, stop reacting in a defensive manner, and give the Moroccan people and the international community information -- facts -- about the detention of these 37 individuals. Apart from

this particular issue, Polcouns noted that Moroccan prisons are cited in the US annual human rights report for their overcrowding and poor conditions, and having a credible international organization like ICRC visit them periodically could ultimately benefit Morocco. It was a good sign the GOM was receptive to this idea, and Polcouns hoped the ICRC would go forward.

Thanks on POW Release

¶ 10. (C) Pfefferle reiterated his thanks to the US for facilitating the release of the remaining POWs and for being so easy to work with in making all of the logistical arrangements. He shared US hope that the parties would take advantage of the release to make progress on the political front.

Latest ICRC Figures on the Missing

¶ 11. (SBU) Following is unofficial embassy translation of ICRC's latest document on the numbers of missing in Morocco/Western Sahara, assed by Pfefferle to poloffs:

Begin Text:

I April 1991, the United Nations Security Council aopted, in its resolution 690, the settlement pla proposed by the Secretary General of the United ations, which included

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notably an exchange of prisoners of war under the auspices of the International Committee of the Red Cross (ICRC).

The settlement plan specified that repatriation of prisoners would happen at the end of a process of registration of all the people allowed to vote during the referendum. This condition led the ICRC president to write to the King of Morocco, the Secretary General of the Polisario Front and the Secretary General of the United Nations, to advise the

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parties concerned against linking the humanitarian issues to the political aspects of the conflict settlement.

Following those steps, cooperation with the parties has been strengthened. The ICRC, which was therefore able to offer better protection to the prisoners and play its traditional role within the framework of several repatriation operations, was granted the authorization to regularly visit the prisoners.

The ICRC visited combatants from the Polisario Front who had been detained by Morocco until 1996. On October 31, 1996, Morocco released 66 prisoners who were repatriated to Tindouf by the ICRC, and has reaffirmed since then that it did not detain any prisoners from the Polisario Front subsequently.

The ICRC visited Moroccan soldiers detained by the Polisario Front until 2005. On August 18, 2005, the Polisario Front released the 404 Moroccan prisoners it was still holding; they were repatriated to Morocco that same day under the auspices of the ICRC.

This operation puts an end to a long imprisonment and constitutes an important step in the process of resolution of the humanitarian consequences of the Western Sahara issue.

To that end, the ICRC continues its efforts so that the fate of all the people who were reported missing because of the conflict could be explained, and reminds that the parties to the conflict are obligated to contribute to get to the bottom of those cases.

Regarding the problem of the Sahrawi refugees, which is the responsibility of the UN High Commissioner for Refugees

(UNHCR), the ICRC wishes for this humanitarian issue, which affects a population in exile for 30 years, to be solved in the respect and dignity of all.

Outstanding humanitarian issues:

--From the beginning of the conflict, and even more after the 1991 cease-fire agreement, the ICRC dealt with requests from the parties regarding people reported missing during the conflict, be the disappearance linked to a brush with the enemy or to an alleged arrest. It received a few death certificates for prisoners who died during their imprisonment. Information necessary to identify the exact location and the designation of the tombs must be kept by the responsible parties in order to be conveyed as soon as circumstances allow.

Polisario Front combatants reported missing:

In December 2000, the ICRC received from the Polisario Front a list of 179 combatants who had been reported missing. The cases were submitted in stages to the Moroccan authorities that gave written answers. Those written answers were conveyed to the Polisario Front. Moreover:

In November 2001, 22 persons who were on this list were found and an ICRC delegate met them in Laayoune;

-- During that same period of time, a prisoner captured by Morocco at the beginning of the conflict, but whose status was disputed and who had been regularly visited by the ICRC, was released;

-- In September 2002, the Polisario Front closed eight other cases;

-- In May 2003, four persons whose names were on the list given by the Polisario Front were found and an ICRC delegate met them in Laayoune and Dakhla;

-- In January 2004, a person whose name was on the list given by the Polisario Front was found and an ICRC delegate met that person in Nouadhibou, Mauritania;

-- In January 2005, the Polisario Front closed one other case.

--The ICRC continues consultations related to the other unresolved cases.

Moroccan soldiers reported missing:

In April 2002, the ICRC received from the Moroccan authorities a list of 253 Moroccan soldiers and five Moroccan civilians who were reported missing during the conflict. The majority of cases has been submitted to the Polisario Front,

the other ones will need to be further investigated by Moroccan authorities. Moreover:

-- In December 2003, 19 cases of missing Moroccans for whom the ICRC received information confirming their death in combat, were closed;

-- In February 2005, Moroccan authorities closed 32 other cases and reopened six older cases;

-- In July 2005, Moroccan authorities closed one other case.

--The ICRC continues consultations related to the other unresolved cases.

Civilians reported missing:

In November 2004, the ICRC received from the Polisario Front a provisional list of 262 Sahrawi civilians reported missing.

In April 2005, the ICRC contacted the families of those missing civilians to complete their files. In May 2005, seven cases were conveyed to the Moroccan authorities, which have not yet answered. The other cases on this list will be conveyed to the Moroccan authorities.

Other persons reported missing:

The ICRC continues its efforts in order to also take care of

all documented cases, submitted by families or any other source, of persons reported missing but who do not appear on the above-mentioned lists.

End Text.

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